

# US STATE DEPARTMENT REPORT 2021

## JAMAICA: Tier 2

The Government of Jamaica does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the pandemic on its anti-trafficking capacity; therefore, Jamaica remained on Tier 2. These efforts included achieving a trafficking conviction that resulted in a significant prison term and restitution paid to the victim; adopting a national referral mechanism (NRM) to standardize procedures for victim identification and referral to services across government entities and the public; and publishing its second annual report on trafficking in persons in Jamaica. However, the government did not meet the minimum standards in several key areas. The government identified and assisted fewer victims, and it significantly reduced funding for trafficking victim protection services. Although the government provided some training for law enforcement and criminal justice officials, these efforts were *ad hoc*, and the government did not provide consistent, standardized anti-trafficking training for officials.

## PRIORITIZED RECOMMENDATIONS:

Adopt, fully implement, and train officials—including local police, Center for the Investigation of Sexual Offences and Child Abuse (CISOCA) investigators, social workers, and justices of the peace—on government-wide SOPs to guide proactive identification of suspected trafficking victims and referral to services, including screening for indicators of trafficking among vulnerable groups.

- Increase efforts to provide more victims, whether identified in Jamaica or repatriated from abroad, with comprehensive services, including legal, medical, psycho-social, shelter, case management, educational/vocational, and reintegration assistance, for the full length of any legal proceedings.
- Amend the anti-trafficking law to prescribe penalties for sex trafficking that are commensurate with penalties for other grave crimes, including by removing sentencing provisions that allow fines in lieu of imprisonment and increasing the available maximum imprisonment term.
- Allow adult victims greater independence to make informed choices about their own security needs and do not impose restriction of movement on adult victims while in the government's care.
- Provide all victims with the necessary long-term protection and reintegration assistance to safely transition to living outside shelters.
- Strengthen the role of government or NGO service providers when conducting victim interviews, formally identifying victims, and assessing victims' needs.
- Allow authorities and the public to refer all potential victims directly to government or NGO service providers, and make victims eligible to receive formal identification and trafficking-related services without police referral.
- Increase efforts to investigate, prosecute, and convict traffickers, including officials who are complicit in human trafficking and foreign tourists or Jamaicans who purchase commercial sex acts from child trafficking victims.
- Increase funding and human resources to ministries, departments, and agencies responsible for trafficking victim protection services. • Allocate sufficient resources to the Office of the National Rapporteur on Trafficking in Persons (ONRTIP) to conduct an

independent assessment of the government's victim identification efforts, including systematic implementation of the screening tools and NRM.

- Strengthen and institutionalize training on human trafficking and victim-centered procedures for police, prosecutors, and judges and assign cases to trained personnel.

## PROSECUTION

The government maintained limited law enforcement efforts. The government criminalized sex trafficking and labor trafficking through its Trafficking in Persons (Prevention, Suppression, and Punishment) Act, which prescribed penalties of up to 20 years' imprisonment, a fine, or both for offenses involving an adult victim, and up to 30 years' imprisonment, a fine, or both for those involving a child victim. These penalties were sufficiently stringent; however, with respect to sex trafficking, by allowing for a fine in lieu of imprisonment and prescribing a lower maximum imprisonment term, these penalties were not commensurate with those for other serious crimes, such as rape.

Officials investigated 42 potential sex trafficking cases and one labor trafficking case, compared with 41 potential sex trafficking cases and two labor trafficking cases investigated in the previous reporting period. During the reporting period, the government initiated three new sex trafficking prosecutions, a decrease from five sex trafficking prosecutions and two labor trafficking prosecutions initiated during the previous reporting period, and it continued 19 previously initiated prosecutions. The government convicted one sex trafficker from a 2016 case and sentenced him to nine years and five months' imprisonment for trafficking and 12 months' imprisonment for living off the earnings of prostitution, to be served concurrently; courts also required the trafficker to pay 250,000 Jamaican dollars (\$1,670) restitution to the victim. During the previous reporting period, the government also convicted one trafficker. From the cases investigated for trafficking, the government ultimately prosecuted five suspects for separate crimes. The slow pace at which cases moved through the courts hampered efforts to hold traffickers criminally

accountable and deterred victims from serving as witnesses. There were no investigations, prosecutions, or convictions of government employees complicit in trafficking offenses, but reports indicated that some police officers were complicit in sex trafficking.

The government maintained a specialized police unit with island-wide jurisdiction to investigate human trafficking and vice crimes, as well as a team of prosecutors specialized in human rights, intellectual property, and sexual offenses. Police adapted investigation methods in response to the pandemic, such as conducting witness interviews via telephone; authorities reported these methods posed limitations to evidence collection efforts. Police reportedly screened for victims of trafficking during raids on venues where commercial sex occurred, although these operations were not effective in identifying victims. The government reported pandemic-related diversion of funds and restrictions on gatherings limited its training of law enforcement officers. The government conducted six virtual training sessions attended by 250 police officers on topics related to human trafficking and migrant smuggling; in comparison, 721 police attended training or other information sessions on human trafficking in the previous year. The government provided facilitators for donor-funded training on human trafficking for 25 prosecutors. Some individual judges had specialized trafficking experience, but there was no mechanism to assign trafficking cases to these judges. The government's training efforts for law enforcement and criminal justice officials continued to be *ad hoc* and largely dependent on foreign donors, rather than sustained year to year through consistent government delivery mechanisms. The government reported international police cooperation with the Cayman Islands.

## PROTECTION

The government maintained efforts to protect victims. The government formally identified eight trafficking victims, all through calls to a government hotline. In comparison, police formally identified ten victims during the previous reporting period. Identified victims included seven girls and one young woman, and all were Jamaican citizens exploited in sex

trafficking. The government reported referring three victims to government-run shelters but did not specify the types of shelter, their length of stay, or lodging for the remaining victims. During the previous reporting period, the government referred six victims to accommodations, including government shelters and temporary private lodging, where they remained between three months and one year. The government reported providing all eight victims with care and services that may have included food, clothing, medical care, counseling, psycho-social support, legal assistance, training and educational support, or employment assistance, but it did not provide additional details on the scope or duration of services provided. The government spent approximately 2 million Jamaican dollars (\$13,330) on protection and assistance to victims, a significant decrease from 7 million Jamaican dollars (\$46,670) spent in the previous reporting period. Local experts reported the government likely provided shelter or other services to some child trafficking victims it did not formally identify and classified as victims of other crimes.

The government's National Children's Registry (NCR) operated a hotline for reporting cases of child abuse, including human trafficking, that was available seven days a week but not overnight. The NCR hotline received 23 calls about suspected trafficking cases. Hotline officials referred all cases to the specialized police unit for investigation, and police identified eight victims as a result of these calls.

The government had several written guidelines to assist healthcare workers, labor officials, diplomats, hotline officials, and officers in the Jamaica Constabulary Force's (JCF) anti-trafficking and vice crimes unit in proactively identifying potential trafficking victims. However, these guidelines were not comprehensive, and local experts could not verify how consistently they were applied. With support from an NGO, several government agencies participated in the development of ministry-specific screening tools to guide officials in assessing behavioral, situational, health, and other factors to identify potential child trafficking victims among vulnerable groups, and a NRM to standardize procedures for victim referral and management of care. The National Task Force Against Trafficking in Persons (NATFATIP) and several individual government agencies endorsed the screening tools and national referral mechanism during the reporting period but did not begin

standardized implementation. The Victim Services Division (VSD) began implementing the screening tool during its intake assessments of children. The government required all reports of suspected trafficking to go through the JCF's anti-trafficking and vice crimes unit, and victims were not eligible to receive formal identification or trafficking-specific services without police referral. JCF, NATFATIP, and in the case of child victims, the Child Protection and Family Services Agency (CPFSA), worked in consultation to arrange accommodation and other services to formally identified victims on a case-by-case basis. The government conducted virtual and in-person sessions to train immigration officials, medical professionals, and labor inspectors on procedures for identifying and referring trafficking victims. Nonetheless, many front-line responders had limited understanding of trafficking crimes, and the government identified and assisted a small number of victims. According to press reports, the government contracted approximately 450 Cuban medical professionals during the year. Authorities did not acknowledge their presence or provide information on measures taken to screen Cuban medical workers for trafficking indicators, despite ongoing concerns the Government of Cuba may have compelled some of them to work.

NATFATIP operated a shelter exclusively for trafficking victims, which could accommodate 12 female victims, and arranged private lodging for some victims, including men; in addition, authorities could place child victims in CPFSA facilities or female victims in NGO-operated shelters that were not exclusive to trafficking victims. The government reported adult victims had the option of residing in the government's specialized shelter or in private accommodation; in practice, however, authorities limited some victims' options based on an independent police assessment of the victim's security risks. Authorities placed victims deemed to be at high risk in private accommodations, guarded by police, and they were unable to move freely. The government closely monitored and sometimes restricted victims' movement while residing in the specialized shelter. These high security measures may have re-traumatized some victims. CPFSA had a protocol for providing services to child trafficking victims under the agency's care, and the government had victim management guidelines for facilities that provided care to victims of trafficking in Jamaica. The government provided few long-term services to support victims' reintegration, prevent re-

exploitation, or sustain protection throughout the duration of lengthy court cases. The government continued to fund training for a Haitian woman who has been a resident of the NATFATIP shelter since 2013, but authorities did not take steps to assist her in safely transitioning to long-term independence outside the shelter.

Foreign victims were able to access the same services as Jamaican victims. The government did not have a formal policy to provide residency to foreign victims who faced hardship or retribution upon return to their home countries, but authorities could provide this assistance to victims on a case-by-case basis. No victims received residency during the reporting period. The government continued to provide lodging, medical services, food, and clothing to an Indian victim identified during the previous reporting period before he returned to India.

VSD offered court orientation sessions for victims participating in the judicial process, including children, and officers from VSD or CPFSA accompanied victims testifying in court. The government provided legal assistance, security, transportation, and lodging to two victims who testified in court during the reporting period. In certain instances, justice officials permitted victims to provide testimony through video or written statements. However, the government did not allocate adequate human or financial resources to provide victims with sustained support during legal processes, and authorities did not always employ victim-centered procedures. Years-long court cases, re-traumatization during the criminal justice process, and fear of reprisal further disincentivized victims from reporting cases or participating in trials.

Jamaica's anti-trafficking law directed the court to order restitution to victims, and prosecutors increased efforts to ensure judges implemented this provision appropriately. The court ordered one convicted sex trafficker to pay 250,000 Jamaican dollars (\$1,670) to the victim. Jamaican law protected trafficking victims from prosecution for immigration or prostitution-related offenses traffickers compelled them to commit, but it did not provide immunity for other unlawful acts traffickers may have compelled victims to commit. Due to inadequate screening for indicators of potential trafficking among vulnerable populations,

including children apprehended for gang-related criminal activity, authorities may have penalized some victims.

## PREVENTION

The government maintained efforts to prevent trafficking. NATFATIP, which included representatives from relevant government institutions and select NGOs, met monthly to coordinate implementation of the 2018-2021 national action plan. With support from an international organization, the government drafted its first national policy to combat trafficking in persons 2018-2030, though the cabinet did not approve it during the reporting period. ONRTIP provided independent oversight of the government's anti-trafficking efforts and published its second annual report on trafficking in persons in Jamaica in April 2020, but it reported insufficient access to data and information from relevant stakeholders in a timely manner.

The government initially allocated 11 million Jamaican dollars (\$73,330) to the NATFATIP secretariat—a significant decrease from 27 million Jamaican dollars (\$180,000) allocated during the previous fiscal year—although this was later reduced to 7 million Jamaican dollars (\$46,670) due to pandemic-related budget cuts. Ministries also funded anti-trafficking activities from their respective budgets. NATFATIP continued to maintain a database to collect information on traffickers and victims and worked with an NGO to improve this system; however, ONRTIP reported shortcomings in data entry and data sharing across ministries with this system. The government did not use information from the database to support development of its policy and programming. Centralized decision-making hindered interagency cooperation and individual ministries, departments, and agencies did not allocate sufficient resources to effectively combat trafficking.

Pandemic-related restrictions limited the government's ability to conduct in-person awareness-raising events, but officials utilized virtual platforms to hold numerous information sessions targeting children and young adults, community leaders, and front-line



government personnel. The government also conducted awareness campaigns on the risks of trafficking for the public through radio, television, and print media.

The Employment Agencies Regulation Act set guidelines for the licensing of employment agencies and prohibited charging some workers recruitment fees, but this only applied to participants in overseas programs in which host governments had prohibited such fees. Separate laws prohibited fraudulent recruitment practices such as contract switching; however, the government did not report enforcement efforts against fraudulent recruitment practices, unlawful recruitment fees, or unlicensed employment agencies during the year. Authorities reported difficulties in identifying and sanctioning illegally operating employment agencies, particularly those operating online. The labor ministry conducted pre-departure orientation sessions for migrant workers in the hotel and agricultural sectors in the United States and Canada; these sessions included information on types of human trafficking, identifying and avoiding potential risks, and who to contact for assistance. Pandemic-related travel restrictions limited the scope of overseas work programs, but the government continued to hold sessions for smaller groups. The government maintained liaison officers in the United States and Canada to protect the interests of overseas workers but did not report whether these officials made efforts to prevent trafficking. The government advised overseas workers to remain at their workplace, not accept visitors, and refrain from visiting relatives and friends as pandemic-mitigation measures, though, these practices may have increased some workers' vulnerability to exploitation or limited their ability to access assistance.

The government did not report any investigations, prosecutions, or convictions of foreign tourists for the purchase of commercial sex acts from child trafficking victims. The government conducted awareness-raising activities on the criminal penalties for purchasing commercial sex acts to deter potential buyers and held information sessions on human trafficking within the tourism sector with industry stakeholders.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Jamaica, and traffickers exploit victims from Jamaica abroad. Sex trafficking of Jamaican women and children, including boys, reportedly occurs on streets and in nightclubs, bars, massage parlors, hotels, and private homes, including in resort towns. Local observers believe sex trafficking operations have become more clandestine as a result of the pandemic. Traffickers increasingly use social media platforms and false job offers to recruit victims. Communities vulnerable to sex trafficking and forced labor include young women and children from poor households, child victims of sexual abuse, homeless LGBTQI+ youth, residents of Jamaica's poverty-stricken areas effectively controlled by criminal "dons," migrant workers, and workers in the informal sector, particularly on family farms and in markets and shops. Traffickers subject children and adults to forced begging and women and children to domestic servitude. Girls, sometimes coerced by family members, are subjected to sex trafficking by men who provide monetary or material payment to the girls or their families in exchange for sex acts; local observers report this form of child sex trafficking may be widespread in some communities. Children from rural Jamaica, and possibly from other Caribbean countries, who are sent to live with more affluent family members or acquaintances sometimes become exploited in forced labor in private households, markets, or shops. Gang members may exploit children in forced begging or in forced criminal activity, including as lookouts, armed gunmen, or couriers of weapons and drugs; there were reports that criminal organizations exploited children in forced criminal activity in lotto-scamming. Pandemic mitigation measures exacerbated existing trafficking risks and increased the number of individuals vulnerable to trafficking, particularly among children who were not able to leave their homes or attend school for much of the year and economically vulnerable households that relied on income from international tourism. Many children are reported missing in Jamaica; traffickers exploit some of these children in forced labor or sex trafficking. Traffickers have exploited Jamaican citizens in sex trafficking and forced labor abroad, including in other Caribbean countries, Canada, the United States, and the United Kingdom. Jamaican women have reported being charged high recruitment fees, being misled about their terms of employment, and compelled through threats to continue working in the United States' hospitality industry. Traffickers exploit foreign

nationals, including migrants from South and East Asia, in forced labor and sex trafficking in Jamaica. There have been reports of forced labor of foreign nationals aboard foreign-flagged fishing vessels operating in Jamaican waters. Among the approximately 450 Cuban medical professionals the government contracted, some may have been forced to work by the Cuban government. NGOs and other local observers report child sex tourism is a problem in Jamaica's resort areas. Some police allegedly facilitated or participated in sex trafficking.